

REMARKS

Claims 32-41 and 63 are pending.

In paragraph No. 4 of the Action, Claims 32, 34 and 39-41 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gilson et al (US 6,336,934).

In paragraph No. 8 of the Action, Claims 33 and 63 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gilson et al.

Applicants submit that these two rejections should be withdrawn because Gilson et al does not disclose or render obvious the present invention.

The Examiner refers to **110** in Figure 40 of Gilson et al as “laminated regions” as claimed.

However, Gilson et al discloses that “the filter **105** comprises a mesh net **110** mounted over a collapsible support frame **111**.” See, col. 15, lines 9-10.

Accordingly, Gilson et al does not teach or suggest “the filter body having laminated regions comprising at least two layers extending along the length of at least two of the regions and wherein the regions comprise varying hardness or stiffness along the length between the two regions resulting from different thickness or materials of the laminated regions” recited in the present claims.

In view of the above, reconsideration and withdrawal of the §§102(e)/103(a) rejections based on Gilson et al are respectfully requested.

In paragraph No. 5 of the Action, Claims 32, 34 and 39-41 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Daniel et al (US 5,814,064).

In paragraph No. 9 of the Action, Claims 33 and 63 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Daniel et al.

Applicants submit that these two rejections should be withdrawn because Daniel et al does not disclose or render obvious the present invention.

The Examiner refers to **144** in Fig. 14A of Daniel et al as “laminated regions comprising at least two layers (layer above the struts and layer below the struts)” as claimed.

However, Daniel et al discloses that device **140** includes struts **142** covered by mesh **144** which includes two mesh portions, **146** and **148**. Mesh portion **146** is proximal of mesh portion **148** on device **140** and is a relatively loose mesh which will allows stenosis fragments to pass therethrough. Mesh **148** is a fairly tight mesh, or a microporous membrane, (or simply loose mesh portion 146 with a microporous membrane or other suitable filter material bonded or cast or otherwise disposed thereover) which does not allow the fragments to pass therethrough and therefore captures and retains the fragments therein. See, col. 8, lines 27-38.

In the “Response to Arguments” at pages 7 and 8 of the Action, the Examiner contends that the first layer is considered the layer underneath the struts and the second layer is considered the layer disposed over the struts.

With due respect, Applicants do not see “the layer underneath the struts.”

Accordingly, Daniel et al does not teach or suggest “the filter body having laminated regions comprising at least two layers extending along the length of at least two of the regions and wherein the regions comprise varying hardness or stiffness along the length between the two regions resulting from different thickness or materials of the laminated regions” recited in the present claims.

In view of the above, reconsideration and withdrawal of the §§102(e)/103(a) rejections based on Daniel et al are respectfully requested.

In paragraph No. 10 of the Action, Claims 35-38 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gilson et al in view of Chevillon et al (US 5,968,071).

In paragraph No. 11 of the Action, Claims 35-38 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Daniel et al in view of Chevillon et al.

Applicants submit that these two rejections should be withdrawn for at least the same reasons that the previous rejections of Claims 32-34, 39-41 and 63 based on Gilson et al or Daniel et al should be withdrawn, as discussed above, and for additional reasons discussed below.

Chevillon et al is cited as teaching providing portions of the filter with a larger wall thickness than other wall portions (Figure 8).

However, Chevillon et al discloses that “the diameter or the cross-section of the leg portion located between the closure zone 17 of the loop 13 and the zone of attachment to the head 5 (portion marked 31 in Fig. 8) can be increased.” See, col. 5, lines 15-18.

Accordingly, Chevillon et al does not teach or suggest that “providing portions of the filter with a larger wall thickness than other wall portions” as asserted by the Examiner.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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